

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:)
PEABODY ENERGY CORP., *et al.*,) Chapter 11
Debtors.) Case No. 16-42529
) (Jointly Administered)
)
)

NOTICE OF APPEAL AND STATEMENT OF ELECTION

The County of San Mateo, California (“*San Mateo*”), the City of Imperial Beach, California (“*Imperial Beach*”), and the County of Marin, California (“*Marin*”; and together with San Mateo and Imperial Beach, the “*Governmental Plaintiffs*”) hereby file their notice of appeal in the above-captioned bankruptcy case and respectfully state as follows:

Part 1: Identify the Appellants

1. Name of Appellants. San Mateo, Imperial Beach, and Marin.
2. Position of appellants in the bankruptcy case. The Governmental Plaintiffs are parties in interest in the above-captioned bankruptcy case (the “*Bankruptcy Case*”).

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from.

The Governmental Plaintiffs appeal the *Memorandum Opinion* (the “*Opinion*,” Docket No. 3514, attached hereto as Exhibit A) and the *Order* (the “*Order*,” Docket No. 3515, attached hereto as Exhibit B) entered in the Bankruptcy Case.

2. State the date on which the judgment, order, or decree was entered.

The Order was entered on October 24, 2017 and amended by the *Stipulation and Agreed Order Regarding Governmental Plaintiffs' Motion to Alter or Amend Order Granting Motion of Reorganized Debtor Peabody Energy Corporation for Entry of an Order Enforcing the Discharge and Injunction set forth in the Confirmation Order and Plan*, which was entered on November 13, 2017.

Part 3: Identify the other parties to the appeal

The names of all parties to the Order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

1. Counsel to the Reorganized Debtors

Steven N. Cousins, MO 30788
Jaimie L. Mansfield, MO 60948
John G. Willard, MO 67049
Armstrong Teasdale LLP
7700 Forsyth Boulevard, Suite 1800
St. Louis, MO 63105
Telephone: (314) 621-5070
Facsimile: (314) 612-2239
Email: scousins@armstrongteasdale.com
Email: jmansfield@armstrongteasdale.com
Email: jwillard@armstrongteasdale.com

Heather Lennox (admitted *pro hac vice*)
Jones Day
North Point
901 Lakeside Avenue
Cleveland, OH 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
Email: hlennox@jonesday.com

Matthew C. Corcoran (admitted *pro hac vice*)
Jones Day
325 John H. McConnell Boulevard, Suite 600
Columbus, Ohio 43215
Telephone: (614) 281-3822
Facsimile: (614) 461-4198
Email: mccorcoran@jonesday.com

2. Counsel to the Governmental Plaintiffs

Matthew E. McClintock, (*admitted pro hac vice*)

Sean P. Williams

GOLDSTEIN & MCCLINTOCK LLP

111 West Washington Street, Suite 1221

Chicago, Illinois 60602

Telephone: (312) 337-7700

Facsimile: (312) 277-2310

E-mail: mattm@goldmclaw.com

E-mail: seanw@goldmclaw.com

Victor M. Sher, Esq. (*admitted pro hac vice*)

Matthew K. Edling. (*admitted pro hac vice*)

SHER EDLING LLP

100 Montgomery Street, Suite 1410

San Francisco, CA 94104

Telephone: (628) 231-2500

E-mail: vic@sheredling.com

E-mail: matt@sheredling.com

Part 4: Optional election to have appeal heard by District Court

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5. Sign Below

Dated: November 26, 2017

Respectfully submitted,

**County of San Mateo, City of
Imperial Beach, and County of Marin**

By: /s/ Matthew E. McClintock
One of Their Attorneys

Matthew E. McClintock, Esq. (admitted *pro hac vice*)

Sean P. Williams, Esq.

GOLDSTEIN & MCCLINTOCK LLLP

111 West Washington Street, Suite 1221

Chicago, Illinois 60602

Telephone: (312) 337-7700

Facsimile: (312) 277-2310

E-mail: mattm@goldmclaw.com

-- and --

Victor M. Sher, Esq. (admitted *pro hac vice*)

Matthew K. Edling, Esq. (admitted *pro hac vice*)

SHER EDLING LLP

100 Montgomery Street, Suite 1410

San Francisco, CA 94104

Telephone: (628) 231-2500

E-mail: vic@sheredling.com

CERTIFICATE OF SERVICE

The Notice of Electronic Filing indicates that all necessary parties were served with this document via the Court's CM/ECF system

/s/ Matthew E. McClintock